

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-167-T

IN RE: Petition of the Office of Regulatory Staff to)	
Rescind the Order of the Public Service)	MOTION TO RESCIND
Commission Granting a Class C Charter)	COMMISSION ORDERS
Certificate of Public Convenience)	NO. 2010-538
And Necessity to Diamond Transport, Inc.)	
DBA TMD Transport, Inc. For Failure)	
to Comply with Commission Order)	
No. 2010-538)	

The Office of Regulatory Staff (“ORS”) hereby moves and requests that the Public Service Commission of South Carolina (“Commission”) Rescind its Order Number 2010-538 issued in the above Docketed matter on August 10, 2010.

As stated in that Order, the Commission ruled that the Applicant Diamond Transport, Inc. DBA TMD Transport, Inc. (“DIAMOND” or “Applicant”) was to file or cause to have filed with the Office of Regulatory Staff (“ORS”) within sixty (60) days of the Order “the proper license fees, proof of liability insurance (i.e. “Form E”), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2009) of the Commission’s Rules and Regulations for Motor Carriers....”,

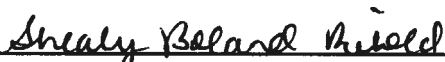
In support of this Motion, ORS would respectfully show:

1. That as of December 6 2010, the ORS has not yet received from the Applicant DIAMOND the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1), the records inspection as required by 26 S.C. Code Regs. 103-133 (7) , and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150. See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the License Decal Application Form and appropriate license decal fee, the records inspection, and the vehicle(s) inspection, the Applicant DIAMOND has not been issued a Certificate of Public Convenience and Necessity and has failed to comply with the terms of Commission Orders No. 2010-538.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to Rescind Orders No. 2010-538 based on the Applicant Diamond's failure to comply with the terms and conditions of that Order. Further, the ORS requests that subsequent to the issuance of the Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF



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December 8, 2010
Columbia, South Carolina

ATTACHMENT A

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2008-167-T

December 6, 2010

IN RE:	Application of Diamond Transport, Inc. DBA TMD Transport, Inc. for Reinstatement of a Class C Charter Certificate of Public Convenience and Necessity of Certain Motor Carriers	Affidavit of Carole Chauvin
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The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On December 6, 2010, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the License Decal Application Form and appropriate license decal fee as required by 26 S.C. Code Regs 103-151 (1), and that the records inspection as required by 26 S.C. Code Regs 103-133 (7) and the vehicle(s) inspection as required by 26 S.C. Code Regs 103-150 have not been filed with ORS by the following company as of December 6, 2010:

**Diamond Transport, Inc. DBA
TMD Transport, Inc.
PO Box 161256
Boiling springs SC 29316**

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 6th day of December, 2010

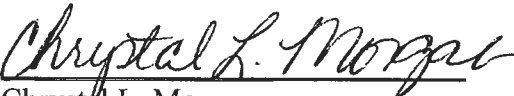
[Signature]
Notary Public for South Carolina
My Commission Expires: 2/10/20

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-167-T

Application of Diamond Transport, Inc. DBA)	
TMD Transport, Inc. for a Class C Charter)	CERTIFICATE OF SERVICE
Certificate of Public Convenience and Necessity for)	
Operation of Motor Vehicle Carrier)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the **MOTION TO RESCIND COMMISSION ORDER NO. 2010-538** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Diamond Transport DBA TMD Transport, Inc.
P.O. Box 161526
Boiling Springs, SC 29316


Chrystal L. Morgan

December 8, 2010
Columbia, South Carolina